

REMARKS

This amendment is responsive to the Office Action of August 20, 2008. Reconsideration and allowance of **claims 1-17** are requested.

The Office Action

Claims 1-3, 9, 10, 11 and 13 were rejected under 35 U.S.C. 102(b) as being anticipated by Rein et al. (U.S. Patent No. 5,385,297).

Claims 5 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rein.

Claims 1-4 and 6-7 were rejected under 35 U.S.C 103(a) as being unpatentable over Khair et al. (U.S. Patent Application Publication 2002/0109621) in view of Borchardt et al. (U.S. Patent No. 5,383,044).

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Khair in view of Borchardt et al. in further view of Lui et al. (U.S. Patent Application Publication 2002/0180622).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rein in view of Khair in further view of Borchardt et al.

The Present Application

The present application is directed to a method and unit for allocation of network elements to a wireless sensor network. The method and system comprises an allocation unit which transmits a code to a first medical device including a physiological sensor which causes the first sensor to transmit its ID together with the code to a second network sensor which then allocates the first sensor into the network.

The present application has the advantage of allowing reliable and controlled allocation of network elements to a network without prior configuration of the wireless sensors or of the network administration system.

The above description of the present application is presented to the Examiner as background information to assist the Examiner in understanding the application. The above description is not used to limit the claims in any way.

The References of Record

Rein et al. is directed to a hierarchical control system for controlling an environment. The system includes a first sensor for transmitting signal indicative of environmental conditions to a central receiver by a second means of communication; a first receiver to receive the signals from the second means of communication; a transmitter for retransmitting the signals onto a first means of communication; a second receiver for receiving the signals on the first means of communication; and a controller for controlling the environment of the zone of the sensor.

Khair et al. is directed to a wireless, programmable system for medical monitoring including a base unit and a plurality of individual wireless, remotely programmable biosensor transceivers. The base unit manages the transceivers by issuing registration, configuration, data acquisition, and transmission commands using wireless techniques.

Borchardt et al. is directed to a system, method and device provided for remotely transmitting a control command to a device having a light sensor for receiving the control command in the form of a light energy signal. A radio frequency remote control signal is produced within an enclosure of a remote control unit (such as a hand-held remote control unit) and is radiated therefrom to a radio frequency receiver.

Lui et al. is directed to a method and system to provide for extending the functionality of application buttons on a limited resource computing device. Alternative application functions are launched based on the length of time an application button is pressed.

**The Claims Distinguish Patentably
Over the References of Record**

Claims 1-3, 9, 10, 11 and 13 are not anticipated by Rein et al. The rejection is hereby *traversed*.

More specifically, regarding **claim 9**, Rein et al. does not disclose a "first network element to transmit its ID together with the code so that the latter can be received by a second network element which allocates the first network element to its network." The Examiner refers Applicant to Figure 22, items 344, 348, 350-358, Col. 15 lines 58-62, Col 10 lines 56 and 62-63 and Col. 20 lines 54-58 which

discloses determining the environmental conditions of a plurality of zones with a plurality of sensors and then transmitting signals indicative of the environmental conditions from each zone to a central receiver by a second communications medium. Additionally, Rein et al. discloses receiving the environmental conditions at the central receiver and from the second communication means and retransmitting the environmental conditions from the central receiver onto a first communication medium to a controller which can then control the environment conditions of a particular zone. Rein et al. also discloses that the sensors and controller each have identification signals for the particular zones they correspond to. Rein et al. does not disclose a first network element, not already allocated to any network, nor transmitting its ID and a code from an allocation unit to a second network element which is already allocated to an existing network in order for the second network element to allocate the first network element into the existing network. In Rein et al., all the elements are already allocated to a network. At no point does Rein disclose allocating a new network element, not assigned to any network, to the existing network by the use of an allocation code from an allocation unit.

Accordingly, it is submitted that independent **claim 9** and **claims 10-14** which depend therefrom distinguish patentable over the reference of record.

Claims 1-4 and 6-7 are patentable over Khair et al. in view of Borchardt et al.

Looking first to **claim 4**, neither Khair et al. nor Borchardt, nor the combination, disclose or fairly suggest a "first network element to transmit its ID together with the code so that the latter can be received by a second network element which allocates the first network element to its network." The Examiner refers Applicant to Figure 1, item 16, and paragraph [0081] of Khair et al. which discloses a wireless programmable system for medical monitoring including a base unit and a plurality of individual wireless biosensor transceivers. Khair et al. discloses an initialization procedure where each electrode contains a unique identifier and a unique functional position ID and each base unit contains a unique base unit identifier. During registration or initialization the base unit transmits electrode registration data and messages containing the base unit identifier in order for only the transceiver associated with the base to respond and communicate with the base unit. Kahir et al.

discloses a system in which the identifiers of the base units and the biosensor transceivers are already configured and allocated to a network. Kahir et al. does not disclose a second network element allocating a new first network element which does not already belong or is not already allocated to an already existing based on an ID from the first network element and a code from an allocation unit.

Additionally, Examiner asserts that Kahair et al. does not teach a separate allocation unit but it would have been obvious to one of ordinary skill in the art to use Borchardt et al.'s remote control because it has a plurality of control functions for controlling devices and apparatuses and the remote control could be used conveniently and remotely to synchronize a sensor to be added to a network by sending the appropriate coded information in an infrared or RF signal. The Examiner has provided no evidence or suggestion that it would have been obvious to one of ordinary to configure a remote control to be used as a allocation unit for allocating network elements to a wireless network and to transmit a code to a first network element, which code causes the first network element to transmit its ID together with the code so that the latter can be received by a second network element which allocates the first network element to its network except from using Applicant's application as a template through a hindsight reconstruction of the Applicant claims.

Accordingly, it is submitted that independent **claim 4** and **claims 2-3 and 5-8** which depend therefrom distinguish patentable over the reference of record.

New claims 15-17 have been added to claim the present concepts more clearly and to emphasize the differences relative to the prior art of record.

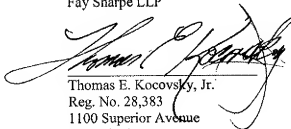
CONCLUSION

For the reasons set forth above, it is submitted that claims 1-17 (all claims) distinguish patentably over the references of record and meet all statutory requirements. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

Fay Sharpe LLP

A handwritten signature in dark ink, appearing to read "Thomas E. Kocovsky, Jr.", is written over a horizontal line. The signature is fluid and cursive.

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